IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO: 8017 of 2005

Between:

Sri Sangameswara High School, Veerapunayanipalle - 516 321,
Kadapa District, rep. by its Correspondent.

.... PETITIONER

AND

1 The State of Andhra Pradesh, Rep. by the Commissioner and

Director of School Education, Saifabad, Hyderabad.
2 The Regional Joint Director of School Education, Kadapa,

Kadapa District.
3 The District Educational Officer, Kadapa, Kadapa District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not approving the selection made on 30-10-2004 for the aided posts of Grade-I Hindi Pandit and craft Instructor (Agriculture) (Single solitary post), as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondents herein to approve the selections made on 30-10-2004 for the post of Grade-I Hindi Pandit and craft Instructor (Agriculture) (Single Solitary Post) immediately and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.T.V.S.KUMAR

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court, at the stage of admission, made the following :

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ORDER:

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This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not approving the selection made on 30.10.2004 for the aided posts of Grade-I Hindi Pandit and craft Instructor (Agriculture) (single solitary post), as arbitrary and illegal.

It is stated that two posts of teaching staff fell vacant in the petitioner school and for filling up the said posts, the petitioner has already taken all the necessary steps and the competent authority has also accorded necessary permission. However, the appointments could not be made in view of the general ban on recruitment imposed by the Government under the Memo dated 20.10.2004.

The contention of the petitioner is that the general ban under Memo dated 20.10.2004 cannot be made applicable to the case on hand since the competent authority has accorded necessary permission to fill up the posts much prior to the ban imposed under the Memo dated 20.10.2004. In support of the said contention, learned counsel for the petitioner has relied upon a decision of this Court in W.P.No.22188 of 2004, wherein this Court has dealt with an identical issue. This Court, having considered the scope of Memo dated 20.10.2004, held that in the Memo dated 20.10.2004 though it is stated that no new posts of grant-in-aid would be created and the existing vacancies will also not be filled up, in the very same memo it is stated that the general ban is not applicable to the posts for which permission was specifically granted by the Government and accordingly permitted the petitioner therein to proceed with the selection process notwithstanding the ban imposed under the Memo dated 20.10.2004.

The learned counsel for the petitioner submits that the ratio laid down in the said decision squarely applies to the case on hand and therefore, the petitioner may be permitted to fill up the vacancies in questioning notwithstanding the ban imposed under the Government Memo dated 20.10.2004.

The learned Government Pleader for School Education appearing for the respondents does not dispute the same.

Accordingly, the writ petition is disposed of with a direction to the respondents to take necessary steps in accordance with law for approval of the selections made on 30.10.2004 for the posts of Grade-I Hindi Pandit and Craft Inspector (Agriculture), without having regard to the Government Memo dated 20.10.2004. No costs.

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15.04.005

Note : Furnish C.C in one week.

(B/O)

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To

1 The Commissioner and Director of School Education, State of

Andhra Pradesh, Saifabad, Hyderabad.
2 The Regional Joint Director of School Education, Kadapa,

Kadapa District.
3 The District Educational Officer, Kadapa, Kadapa District.

4 2 CCs to G.P for School Education, High Court Buildings,

Hyderabad (OUT)

5 2 CD copies.